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09/534,824	03/23/2000	Christopher J. Edge	10128US01	9982

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EXAMINER

SMITH, PETER J

ART UNIT

PAPER NUMBER

2176

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11

Please find below and/or attached an Office communication concerning this application or proceeding.

PPL

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/534,824	EDGE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peter J Smith	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 January 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 1/9/2004 application filed on 3/23/2000, IDS filed on 10/20/2000 and 12/26/2000.
2. Claims 1-49 are pending in the case. Claims 1, 10, 18, 26, 32, 38, 44, 45, and 46 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Marimont, US 5,835,099 patented 10/10/1998 in view of Applicant's Admitted Prior Art (APA).**

**Regarding independent claims 1, 10, and 18,** Applicant discloses in page 1 line 24 – page 2 line 5 of the specification that a page description language permits the definition of pages using complex commands and subroutines to create graphic objects and generally calls these commands and subroutines implicit color commands. Applicant also discloses that it is well known that the image data may be converted to explicit data by a raster image processor. Identifying implicit color commands within a page description file must be inherently true to effect the conversion of the admitted prior art. Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into

spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57.

The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Marimont with the APA to have created the claimed invention. It would have been obvious and desirable to have allowed for independent manipulation of the spatial and color structures to have enabled a better transformation of images and their colors as is disclosed in the abstract of Marimont. It would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image.

**Regarding dependent claims 2, 11, and 19,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The manipulations of Marimont are performed without the use of a raster image processor because the image is not being changed into a bitmap format. The use of commands are still used and it would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image.

**Regarding dependent claims 3, 12, and 20,** Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in

col. 7 lines 53-57. It would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image and thus they could have been manipulated independently.

**Regarding dependent claims 4, 13, and 21,** Marimont teaches an implicit color command defining a reproduction of a graphic image over a color range in col. 6 line 65 – col. 7 line 1. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function. It would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image.

**Regarding dependent claims 5, 14, and 22,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function. It would have been obvious to have converted substantially all of the implicit color commands to explicit color commands to have defined the divided structures of the color regions to have simplified the

image and to have enabled a better transformation of images and their colors as is disclosed in the abstract of Marimont.

**Regarding dependent claims 6, 15, and 23,** Marimont teaches a smooth shading implicit color command in col. 6 line 65 – col. 7 line 1.

**Regarding dependent claims 7, 16, and 24,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function. It would have been obvious to have assigned explicit color commands to each subdivision of the color region to have been consistent with the parameterized implicit color command function to have simplified the image and to have enabled a better transformation of image and its colors as is disclosed in the abstract of Marimont.

**Regarding dependent claims 8, 17, and 25,** Applicant discloses in page 1 lines 10-11 that cyan, magenta, yellow, and black are typical colors used to describe an image. It would have been obvious to one of ordinary skill in the art at the time of the invention to have implemented a combination of Marimont using the typical color scheme disclosed by the Applicant.

**Regarding dependent claim 9,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The structures in combination define a visual output that is analogous to visual output defined by the corresponding implicit color commands.

**Regarding independent claims 26, 32, and 38,** Applicant discloses in page 1 line 24 – page 2 line 5 of the specification that a page description language permits the definition of pages using complex commands and subroutines to create graphic objects and generally calls these commands and subroutines implicit color commands. Applicant also discloses that it is well known that the image data may be converted to explicit data by a raster image processor. Identifying implicit color commands within a page description file must be inherently true to effect the conversion of the admitted prior art. Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Marimont with the APA to have created the claimed invention. It would have been obvious and desirable to have allowed for independent manipulation of the spatial and color structures to have enabled a better transformation of images and their colors as is disclosed in the abstract of Marimont. It would have been obvious to have used implicit color sub-commands to have defined the divided structures of the color regions to have allowed the

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user to have greater control over the manipulation of the image and to have enabled a better transformation of the image and its colors as is disclosed in the abstract of Marimont.

**Regarding dependent claims 27, 33, and 39,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The manipulations of Marimont are performed without the use of a raster image processor because the image is not being changed into a bitmap format. The use of commands are still used and it would have been obvious to have used implicit color sub-commands to have defined the divided structures of the color regions to have allowed the user to have greater control over the manipulation of the image and to have enabled a better transformation of the image and its colors as is disclosed in the abstract of Marimont.

**Regarding dependent claims 28, 34, and 40,** Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. It would have been obvious to have used implicit color sub-commands to have defined the divided structures of the color regions to have allowed the user to have greater control over the manipulation of the image and to have enabled a better transformation of the image and its colors as is disclosed in the abstract of Marimont.

**Regarding dependent claims 29, 35, and 41,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. It would have been obvious to have converted substantially all of the implicit color commands to implicit color sub-commands to have defined the divided structures of the

color regions to have allowed the user to have greater control over the manipulation of the image and to have enabled a better transformation of the image and its colors as is disclosed in the abstract of Marimont.

**Regarding dependent claims 30, 36, and 42,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function.

It would have been obvious to have converted the some implicit color commands to implicit color sub-commands and some other implicit color commands to explicit color commands to have defined the divided structures of the color regions to have allowed the user to have greater control over the manipulation of the image and to have enabled a better transformation of the image and its colors as is disclosed in the abstract of Marimont. The combinational use of both implicit sub-commands and explicit sub-commands would have allowed both the smoothly varying and constant color sub-regions to have been represented adequately.

**Regarding dependent claims 31, 37, and 43,** Applicant discloses in page 1 lines 10-11 that cyan, magenta, yellow, and black are typical colors used to describe an image. It would have been obvious to one of ordinary skill in the art at the time of the invention to have

implemented a combination of Marimont using the typical color scheme disclosed by the Applicant.

**Regarding independent claims 44, 45, and 46,** Applicant discloses in page 1 line 24 – page 2 line 5 of the specification that a page description language permits the definition of pages using complex commands and subroutines to create graphic objects and generally calls these commands and subroutines implicit color commands. Applicant also discloses that it is well known that the image data may be converted to explicit data by a raster image processor. Identifying implicit color commands within a page description file must be inherently true to effect the conversion of the admitted prior art. The implicit color commands within a page description file must also be inherently accessed to implement the conversion.

Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Marimont with the APA to have created the claimed invention. It would have been obvious and desirable to have allowed for independent manipulation of the spatial and color structures to have enabled a better transformation of images and their colors as

is disclosed in the abstract of Marimont. It would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image. The manipulations of Marimont are performed without the use of a raster image processor because the image is not being changed into a bitmap format. The use of commands are still used and it would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image.

**Regarding independent claim 47,** Applicant discloses in page 1 line 24 – page 2 line 5 of the specification that a page description language permits the definition of pages using complex commands and subroutines to create graphic objects and generally calls these commands and subroutines implicit color commands. Applicant also discloses that it is well known that the image data may be converted to explicit data by a raster image processor. Identifying implicit color commands within a page description file must be inherently true to effect the conversion of the admitted prior art. The implicit color commands within a page description file must also be inherently accessed to implement the conversion.

Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Marimont with the APA to have created the claimed invention. It would have been obvious and desirable to have allowed for independent manipulation of the spatial and color structures to have enabled a better transformation of images and their colors as is disclosed in the abstract of Marimont. It would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image. The manipulations of Marimont are performed without the use of a raster image processor because the image is not being changed into a bitmap format. The use of commands are still used and it would have been obvious to have used explicit color commands to have defined the divided structures of the color regions to have simplified the image.

**Regarding independent claim 48,** Applicant discloses in page 1 line 24 – page 2 line 5 of the specification that a page description language permits the definition of pages using complex commands and subroutines to create graphic objects and generally calls these commands and subroutines implicit color commands. Applicant also discloses that it is well known that the image data may be converted to explicit data by a raster image processor. Parsing the page description file to identify the implicit color commands must be inherently true to effect the conversion of the admitted prior art.

Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. The Examiner's understanding of the explicit color command of the claimed invention is that it is essentially a narrowly constrained implicit color command. The explicit color command may apply to a region of the

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page description language just as an implicit color command, but it differs in that only one single color attribute is assigned to the whole region instead of defining the pixel values indirectly through use a mathematical function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Marimont with the APA to have created the claimed invention. It would have been obvious and desirable to have allowed for independent manipulation of the spatial and color structures to have enabled a better transformation of images and their colors as is disclosed in the abstract of Marimont. It would have been obvious to have used corresponding explicit color commands to have defined the divided structures of the color regions previously defined by implicit color commands to have simplified the image and to have enabled a better transformation of the image and its colors as is disclosed in the abstract of Marimont.

**Regarding dependent claim 49,** Marimont teaches an implicit color command function in col. 6 line 65 – col. 7 line 1. Marimont teaches dividing a color image region into spatial and color space structures, which then can be manipulated independently in col. 7 lines 53-57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have left intact implicit spatial commands within the page description file which were not converted to explicit spatial commands so that the file could have been organized more compactly.

***Response to Arguments***

Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimotohno, US 4,760,460 patented 7/26/1988 discloses in col. 6 lines 15-18 subdividing a region and calculating an average value for each subdivision.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 703-305-5931. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER

PJS

March 16, 2004